

FILED

APR 17 2014

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY *MS* DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
MIDLAND/ODESSA DIVISION

JAIME URQUIDI-ORTEGA,  
Movant,

v.

UNITED STATES OF AMERICA,  
Respondent.

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No. MO:12-CV-101-RAJ-DC  
No. MO:02-CR-096-RAJ-DC

**ORDER SETTING SECOND EVIDENTIARY HEARING**

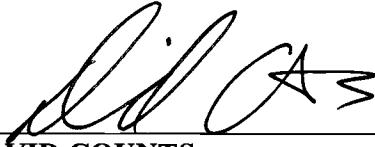
On April 4, 2014, the Court held an evidentiary hearing on Movant Urquidi-Ortega's 28 U.S.C. § 2255 Motion to Vacate. At the evidentiary hearing the parties addressed the following issue: whether trial counsel was ineffective in the plea bargain context in light of *Lafler v. Cooper*, \_\_\_ U.S. \_\_\_, 132 S.Ct. 1376 (2012), or *Missouri v. Frye*, \_\_\_ U.S. \_\_\_, 132 S.Ct. 1399 (2012). Movant testified that he previously submitted a copy of a plea agreement to the Court in connection with his § 2255. Neither the parties nor the Court could locate such a filing at the time.

In the process of forming an opinion on Movant's § 2255, the Court has located a plea agreement Movant filed with the Court on October 29, 2012. (Docket Entry 122, Attachment 2). The plea agreement is central to the issue before the Court. Therefore, the Court requires a second evidentiary hearing.

**IT IS HEREBY ORDERED** that an evidentiary hearing will be held on this matter on **Tuesday, May 13, 2014, at 8:30 a.m.**, in the First Floor Courtroom, at the United States Courthouse, 200 East Wall, Midland, Texas, 79701.

It is so **ORDERED**.

Signed this 16<sup>th</sup> day of April, 2014.



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**DAVID COUNTS**  
United States Magistrate Judge